

REMARKS

In response to the Examiner's Restriction Requirement the following remarks are respectfully submitted in connection with the above-identified application.

The Examiner required restriction of the following inventions:

I. Claims 1-4 and 7-10 are drawn to least cost or minimum delay routing, classified in class 370, subclass 238.

II. Claims 5, 6, 11 and 12 drawn to a control storage arrangement, classified in class 370, subclass 363.

Applicants respectfully disagree and traverse this restriction requirement for at least the following reasons.

Applicants respectfully direct the Examiner's attention to M.P.E.P. §803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicants respectfully submit that the Examiner would not be unduly burdened if forced to examine Groups 1 and II together as one group. Groups I and II are both directed to inventions classified in the same class. It is respectfully submitted that the Examiner would not be unduly burdened to

examine both Groups I and II together and prosecute them in the same application. Nonetheless, to alleviate the difficulty the Examiner is having the Applicants have amended claims 5 and 6 to depend on claim 1 and amended claims 11 and 12 to depend on claim 7. Applicants then provisionally elect Group I which now contains claims 5, 6, 11 and 12.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement.


In the event this Response does not place the present application in condition for allowance, Applicants request that the Examiner contact the undersigned at (703) 266-3330 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330